

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARVIN THOMAS,)	
)	
Petitioner,)	
)	Civil Action No. 2:07cv638-LSC
v)	(WO)
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On July 13, 2007 (Doc. No. 3), this court entered an order in accordance with *Castro v. United States*, 540 U.S. 375 (2003), advising petitioner Marvin Thomas of its intention to characterize the document that he filed in this court on June 27, 2007 (Doc. No. 2), as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255.¹ In its order, the court cautioned Thomas that such characterization would render his motion and any subsequent § 2255 motion susceptible to the procedural limitations imposed upon § 2255 motions, specifically the one-year period of limitation and the successive petition bar applicable to post-conviction motions. In addition, as required by *Castro*, this court ordered that Thomas should advise the court whether he seeks to:

1. Proceed before this court under 28 U.S.C. on the claims presented in his motion of June 27, 2007;
2. Amend his motion to assert any additional claims under 28 U.S.C.

¹In that document, Thomas appears to challenge the validity of his 2006 guilty plea and sentence for being a felon in possession of a firearm.

§ 2255 on which he wishes to challenge the conviction and sentence imposed upon him by this court; or

3. Dismiss the motion.

(Doc. No. 2 at 3.) Thomas was further advised that if he failed to file a response in compliance with the court's order on or before August 3, 2007, this cause would proceed as an action under 28 U.S.C. § 2255 with the court considering only those claims presented in his motion filed on June 27, 2007. (*Id.*)

Thomas has failed to file any response to this court's order of July 13, 2007. **Accordingly, this cause shall proceed as an action under 28 U.S.C. § 2255 based on the claims in Thomas's motion of June 27, 2007.** A review of that motion reveals that Thomas fails to plainly identify the relief he seeks or to specify with sufficient clarity the grounds for his asserted relief. Accordingly, it is

ORDERED that on or before September 14, 2007, Thomas shall file with this court a supplement to his motion which clearly identifies the relief he seeks through his motion. **The supplement filed by Thomas should also plainly state every ground on which he claims he is entitled to the relief sought and should set forth the specific facts that support his claims.**

DONE, this 27th day of August, 2007.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE